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United States Court of Appeals For the First Circuit

No. 02-1959

DENNIS J. COHEN,
Plaintiff, Appellant,
v.

JO ANNE BARNHART,
Defendant, Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Rya W. Zobel, U.S. District Judge]

Before

Stahl, Senior Circuit Judge,
Lipez and Howard, Circuit Judges.

Michael James Kelley on brief for appellant.
Michael J. Sullivan, United States Attorney, Robert J. Triba,
Regional Chief Counsel, Joseph E. Dunn, Assistant Regional Counsel,
and Rayford A. Farquhar, Assistant U.S. Attorney, on brief for
appellee.

April 2, 2003

Per Curiam. Claimant-appellant Dennis Cohen appeals from a judgment of the district court affirming an order of the Commissioner of Social Security that Cohen was not entitled to disability benefits. The disputed issue in this case is whether, as of June 30, 1994, the date he was last insured ("DLI"), appellant suffered from a disabling mental impairment or combination of mental impairments.

Having carefully reviewed the record and the parties' briefs, we reject each of appellant's assignments of error and agree with the district court that there is substantial evidence in the record supporting the Commissioner's finding that appellant suffered from a progressively worsening mental impairment that, as of the date of his application for disability benefits, had not yet reached a level of severity that would in itself preclude him from performing his past relevant work as a cook, and that, accordingly, appellant's mental impairment was not in itself severe enough to be disabling as of the much earlier DLI. See Social Security Ruling 83-20, Titles II and XVI: Onset of Disability (S.S.A. 1983) (requiring the ALJ to call a medical advisor when there is ambiguity as to how long an impairment "ha[s] existed at a disabling level of severity").

Affirmed. See Loc. R. 27(c).